

REMARKS

Status of the Claims

Claims 1-8 are pending.

Claims 1-6 were amended.

Claims 7 and 8 are hereby canceled, and claims 9-11 were previously canceled.

Reconsideration is respectfully requested. No new matter has been added by the present amendments.

Amendments to the Claims

Claim 1 was amended, at line 2 thereof, to add the indications taught in canceled Claim 8.

Claim 2 was amended, at line 12 thereof, to remove the term "sulfonamido," from the definition of R₁₂; and at line 18 thereof, to remove the term "-SO₂NHR₁₇," from the definition of R₁₃.

Claim 3 was amended, at line 1 thereof, to add the indications taught in canceled Claim 8.

Claim 4 was amended, at line 6 thereof, to remove the term "sulfonamido," from the definition of R₁₂; and at line 12 thereof, to remove the term "-SO₂NHR₁₇," from the definition of R₁₃.

Claim 5 was amended, at line 8 thereof, to insert the word --or-- between the terms "-NHC(=O)NH-," and "-NHSO₂-,"; also at line 8 thereof, to remove the terms ",", or -SO₂NH-" from the definition of Y; and at line 15 thereof, to remove the term "-SO₂NHR₁₇," from the definition of R₁₃.

Claim 6 was amended, at line 2 thereof, to replace the comma ",", between the terms "(Ia)" and "(Ib)" with the word -- or --; and also at line 2 thereof, to remove the phrase ",", or (Ic)."

Rejections Under 35 U.S.C. §112, 1st ¶

Claims 1-8 were rejected under the first paragraph of 35 U.S. C. § 112 because the specification, "while being enabling for treating conditions associated with p38 kinase activity

specified in claim 8, does not reasonably provide enablement for treating all other conditions associated with p38 kinase activity.” (O.A. of Oct. 23, 2006, p. 2, lines 5-7.) Applicants have amended Claim 1 to insert the list of indications taught in Claim 8, which has now been canceled from this case. Claim 7 was also canceled from this application. These amendments serve to put the indications in Claim 8 that the Examiner deemed to be “enabling for treating conditions associated with p38 kinase activity” into Claim 1. Thus, amended Claim 1 should now be enabling for treating the conditions taught therein associated with p38 kinase activity. Moreover, applicants previously provided support in the form of publications to show that one skilled in the art would recognize that the instant specification would reasonably provide enablement for the disorders taught in instantly amended Claim 1. (See Amendment of July 28, 2006, pp. 9-11.) Hence, applicants believe that the above amendments and arguments should obviate the need for this rejection under the first paragraph of 35 U.S.C § 112, which should be properly removed.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3 and 5-8 were rejected under 35 U.S. C. §103(a) as allegedly being unpatentable over Hunt, et al. (U.S. Pat. No. 6,982,265). The Examiner asserts that “it would have been obvious to one having ordinary skill in the art to have employed the compound described in methods of treating said conditions.” (O.A. of Oct. 23, 2006, p.3, l. 9-10.) Applicants disagree with this rejection because Hunt does not suggest treating the specific conditions associated with p38 kinase activity taught in amended Claim 1. In particular, the instant specification discloses p38 assay data on pages 22-24 of the specification that is not disclosed in Hunt. Therefore, one skilled in the art would not be motivated to apply the compounds of Hunt to treat the indications associate p38 kinase activity taught in instantly amended Claim 1. Consequently, this rejection under 35 U.S.C. §103(a) should be kindly removed.

Claims 5 and 6 were also rejected under 35 U.S. C. §103(a) as being allegedly obvious in view of Hunt, et al. To respond to this rejection, applicants have made the following amendments:

- (a) in Claims 2 and 4, removed “sulfonamide” from the definition of R₁₂ and “-SO₂NHR₁₇” from the definition of R₁₃; and
- (b) in Claim 5, removed “-SO₂NH-” from the definition of Y and “-SO₂NHR₁₇” from the definition of R₁₃.

Thus, the disclosure in Hunt should not render instant Claims 5 and 6 obvious.

Fees

If it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

SUMMARY

In view of the foregoing comments and amendments, applicants kindly request reconsideration of the application. Applicants believe the case is now in condition for allowance and respectfully request the Examiner to pass the case to issue at an early date.

Respectfully submitted,

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